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Staking Our Claim to Water through Conservancy Subdistricts

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STAKING OUR CLAIM TO WATER THROUGH CONSERVANCY SUBDISTRICTS

SOUTH DAKOTA WILL HAVE stored within its boundaries 34 million acre feet of water (325,850 gallons equal 1 acre foot) behind the Gavins Point, Fort Randall, Oahe, and Big Bend Dams. At stake is how much of this water we South Dakotans will have available to us. We could lose this water by default.

We are using more water today than ever before. Expanding industry and rising living standards require more water per person to meet the needs of our way of life. The total water use in the United States increased four-fold from 1900 to 1950. By 1955 it had increased 21% above 1950.

The 1959 South Dakota Legislature set up the means to place our claims to this water. It created the South Dakota Conservancy District, placing the state in an advantageous position to develop its water resources for such multi-purpose benefits as municipal, domestic, recreation, and irrigation waters; recharge of groundwater; maintenance of stream flow and lake levels; and flood and pollution control.

Federal laws and policies are such that federal monies are not available for incidental purposes only, hence cannot be used as justifiable arguments for federal investments. Federal appropriations can be made for major purposes such as flood control and power, irrigation, and navigation developments.

To obtain projects for incidental purposes, they must become a part of the works authorized for one or more of the major purposes. In essence, it simply means that an interested area in South Dakota may obtain water from the Missouri River for incidental uses, such as municipal and domestic, only if the facilities needed for such incidental uses are included in the over-all plan designed for a major purpose development such as irrigation.

Ways are being explored in which the stored water can be made to yield the maximum benefits to South Dakota. True, we have generators in the dams, but only a small percentage of electrical energy would be assigned to South Dakota users. Many of our cities are attempting to solve their municipal water needs. We have a great potential in the industrial and agricultural use of the water while it is yet in our state. Then how can we proceed to do the job?

The South Dakota Conservancy Act made provisions for the creation of conservancy subdistricts as a vital part of the legislation which gives the people an opportunity to determine and plan their needs and desires in water resources development.

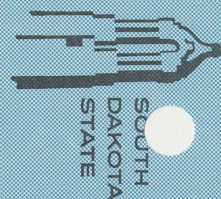
The formation of a subdistrict will materially strengthen the hand of our state in reserving water for future use by its people.

Water from the Missouri River can be taken by the federal government to other parts of the state where

By **Raymond Lund**, District Specialist, State Water Resources Commission, in cooperation with the Cooperative Extension Service, South Dakota State University

Staking Our Claim To Water THROUGH CONSERVANCY SUBDISTRICTS

Cooperative Extension Service



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water is needed only if the people request it. The initiative for organizing conservancy subdistricts was placed in the hands of the local people. Only you can decide what shall be done. No one else can make the decision for you, nor can anyone else arrange for such an organization. It is up to you to determine the extent to which you wish to proceed in securing for yourselves and posterity the right to use a portion of the water stored in the Missouri River at some time in the future.

Steps to Form a Conservancy Subdistrict

The following are the steps that are required to form a conservancy subdistrict:

1. Interest in the creation of a subdistrict has to first come from the people within an area.
2. If the State Conservancy District Board is satisfied that there is sufficient interest, hearings would be scheduled within the area prescribed by boundaries tentatively outlined by the State Conservancy District Board.
3. After the hearings are held, local people must initiate a petition to the State Conservancy District Board to submit to a general election. The petition must be signed by 25% of the land owners in each area within the proposed subdistrict. These areas, insofar as the law is concerned, consist of any municipality and any county, or part of a county, which is outside the corporate limits of a municipality. The petition must describe the exact boundaries of the area to be included within the proposed subdistrict. Thus, the boundaries of the subdistrict will reflect the interest shown by people in these areas.
4. In the general election, 60% or more of the votes cast must be in favor to create a subdistrict. If there is a favorable vote in some of the election districts, but not in all, the State Conservancy District Board may establish a subdistrict consisting of only those election districts which cast a favorable vote.

A town or city represents an election district. A

county or a portion of a county located outside of an incorporated town or city and included in a proposed subdistrict represents an election district.

The voting will be done in the election precinct which is a township in the county. In town, one or more polling places are provided—each representing an election precinct. Thus, for purposes of this Act, an election district is not to be confused with an election precinct.

5. The subdistrict board of directors is elected at the election held to establish the subdistrict.

Some of the Questions on Conservancy Subdistricts

QUESTION 1. What is a conservancy district?

A conservancy district is a public organization created under state laws to sponsor water resources development—local, state, or federal—by including beneficiaries, who otherwise have no opportunity to share in water projects planning, construction, and operation.

QUESTION 2. Why was the statewide South Dakota Conservancy District created?

Primarily because of Missouri River development for multiple purposes, the future use of water in South Dakota is closely related to diversion of water from the Missouri River to places of use.

QUESTION 3. How does a state conservancy district differ from a conservancy subdistrict?

The conservancy subdistrict differs from the state conservancy district in that it is created by local people with a subdistrict board of directors to administer the affairs of that subdistrict. It cannot be imposed on an area without the consent of a majority of the people within the proposed subdistrict. The subdistrict has taxing power, while the state conservancy district doesn't.

QUESTION 4. Could not water be diverted for these various uses under previous laws?

Our state laws provide for the creation of such things as irrigation districts, watershed districts, and drainage districts that are designed for single purpose projects and sponsored primarily by the direct beneficiaries. Where multiple purpose uses of water are possible, there is no organization in the state other than the present State Conservancy District, through the creation of subdistricts, that the many uses of water can be developed.

QUESTION 5. How does the conservancy subdistrict fill the need?

Subdistricts are the key organization in South Dakota for sponsoring "multi-purpose" water resource projects. A conservancy subdistrict provides a means of organizing local people, sometimes covering large areas, so that they may plan and construct the water resource project. The federal government requires assurance of local sponsorship before it will construct water resource projects.

QUESTION 6. Does the subdistrict have taxing power?

After formation of a subdistrict, the subdistrict board would have taxing power up to 1/10 of 1 mill on all taxable property within the subdistrict. They need not exercise that authority if there appears to be no justification for using it.

QUESTION 7. How much tax would I have to pay on the basis of 1/10 of a mill levy?

To illustrate, three examples might be cited: If my quarter-section of land has an assessed valuation of \$6,550 for tax pur-

poses, 1/10 of a mill levy would cost me 66c—the price of a quart of high grade oil. If my total taxable value was \$3,000 my tax would be 30c or about the cost of a pack of cigarettes; or if my total taxable value was \$15,000 my total tax would be \$1.50 or the price of a haircut in some shops.

QUESTION 8. For what purposes will tax money be used by the subdistrict board before the execution of a contract?

The money will be used to defray actual expenses involved in the planning and explanation of purposes and to mail out notices of meetings, provide secretarial help, as well as other incidental expenses incurred with the planning, organization, and operation of the subdistrict.

QUESTION 9. What are the requirements to execute a contract with federal and state agencies?

A subdistrict board may proceed to examine a proposed contract submitted to it by a federal or state agency. It could accept or reject the terms of the contract. If found favorable, the subdistrict board will forward the proposed contract to the State Conservancy District Board for its consideration and approval or rejection. If approved, the contract must then be submitted to a vote of the people within the subdistrict for their approval. Sixty percent of the votes cast must be in favor of the proposed contract before it could become binding upon the subdistrict.

QUESTION 10. If the contract has been approved by the vote of the local people, would the subdistrict board then have authority to raise the 1/10 of a mill levy?

Yes, by law, the board could increase the mill levy up to but not to exceed 1 mill levy on all taxable property within the subdistrict.

QUESTION 11. What is the relationship between a conservancy subdistrict and such districts as irrigation, watershed, drainage?

A subdistrict can sponsor numerous projects and tie together single purpose districts for the greatest benefit for the water development of the area.

QUESTION 12. Can a subdistrict be dissolved?

A subdistrict may be dissolved by 60% of the votes cast favoring its dissolution.

QUESTION 13. Who will benefit from the formation of a subdistrict?

(a) South Dakota people can get Missouri River water for domestic use, for irrigation, for recharge of ground water, for municipal water, for maintenance of stream flow and lake levels, for stock water, for pollution control, and other incidental uses which can be obtained only if these are included as part of the works built to serve one or more of the major purposes.

(b) Congress will not authorize construction of a project for incidental purposes. It must be related to irrigation. In that manner a subdistrict provides a way by which local people may get works built and obtain water supplies for uses other than for irrigation.

(c) Through a subdistrict, some support for irrigation development may be shared by residents of the area. This is particularly important during the period when the main works are supplying water for only a small portion of the total irrigable lands.

(d) In a number of instances, large irrigation projects can not be built without such an organization, supported by those who will be directly and indirectly benefited.

(e) The creation of a subdistrict is in the hands of the local people. It is their responsibility and their decisions that will determine, first, whether there will be a subdistrict and, secondly, if a subdistrict is decided upon, its policies and activities. No one else can do it for them.